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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,245	07/09/2003	Yasuo Narita	18920.0038	8355
23517	7590	12/23/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP			GHATT, DAVE A	
3000 K STREET, NW			ART UNIT	PAPER NUMBER
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WASHINGTON, DC 20007			2854	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/615,245	NARITA ET AL.	
	Examiner Dave A Ghatt	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 11-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 11-16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: The language of claim 16. “wherein the tube is heat shrunk to cover the core material,” appears to recite a method step as oppose to set out structure as required by apparatus claims. Maybe the applicant meant to use the language “wherein the tube comprises heat shrinkable material enabling the tube to be shrunk to cover the core material.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 13, and 15, are rejected under 35 U.S.C. 102(b) as being anticipated by Nose et al. (US 5,685,944). As illustrated in Figures 1 and 30, Nose et al. teaches the claimed invention. Figure 1 of Nose et al. shows a film transfer tool, comprising a case C, a feed reel 2 disposed within the case C, and a take-up reel 4 disposed within said case C. As illustrated in Figure 2, Nose et al. also teaches a power transmission gear 11 disposed within said case and interlocking the feed reel 2 and the take-up reel 4. Figure 2 shows a frame 1 at least partially disposed within said case C. Figures 1-3, show a transfer head protruding from said case and coupled to the frame. (In Figure 3, the head is shown generally in the area labeled C1 and C2.)

As illustrated in Figure 1, the transfer head includes a rotatable transfer roller 3. Figure 30 shows a resilient member 70 coupled to an outer surface of the transfer roller. (Column 23 lines 34-37 teach the use of a resilient material for element 70.)

With respect to claim 13, column 10 lines 13-15 teach a film transfer ribbon R as recited.

With respect to claim 15, column 6 lines 51-53 teach a tube placed over a core material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nose et al. (US 5,685,944) in view of Murakoshi (US 6,270,578). Figure 1 of Nose et al. teaches a film transfer tool in which a feed reel 2 and a take-up reel 4 which are adapted to interlock with each other via power transmission means 11 are disposed within a case C. As outlined in column 10 lines 13-15, Nose et al. teaches a film transfer tape R, shown in Figure 1, fed out from the feed reel 2 so as to be moved over the surface of a paper while being pressed against the surface of said paper with a transfer head protruding from the case. (In Figure 3, the transfer head is shown generally in the frame-area labeled C1 and C2.) As shown in Figure 1, the film transfer tape R is then taken up by said take-up reel 4 as a tape from which a film has been transferred. As shown in Figures 1-3, the film transfer tool is characterized in that the transfer head is constituted by a supporting frame (shown in Figure 3 in the general area labeled C1 and C2) provided on the case in such a

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manner as to protrude therefrom, and a transfer roller 3 provided in such a manner as to rotatably extend between the side pieces of the supporting frame. As shown in Figures 29 and 30, transfer roller 3 and that a resilient member provided on the transfer roller 3 of the transfer head, so as to constitute an outer circumferential layer of the transfer roller 3, so that said film transfer tape is brought into press contact with an axial intermediate portion of said resilient member. (Column 23 lines 34-37 teach the use of a resilient material for element 70.)

As outlined, Nose et al. teaches all the claimed subject matter except for the transfer roller having an outside diameter of 1 mm to 3mm. Murakoshi teaches a film transfer tool similar to that taught by Nose et al. Figure 3 of Murakoshi teaches a transfer head with a transfer region with a radius of curvature of 0.3 mm to 1.5 mm. (See column 4 lines 13-19.) To one of ordinary skill in the art, it would have been obvious to include in the apparatus of Nose et al., a transfer element with a radius of 0.3 mm to 1.5 mm as taught by Murakoshi, in order to improve film transfer conditions, as taught in column 3 lines 8-23 of Murakoshi.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nose et al. (US 5,685,944) in view of Murakoshi (US 6,270,578). As outlined (in section 3 of the present Office Action) in the above rejection to claim 11, Nose et al. teaches all the claimed structure, except for the transfer roller having an outside diameter of 1 mm to 3mm. Murakoshi teaches a film transfer tool similar to that taught by Nose et al. Figure 3 of Murakoshi teaches a transfer head with a transfer region with a radius of curvature of 0.3 mm to 1.5 mm. (See column 4 lines 13-19.) To one of ordinary skill in the art, it would have been obvious to include in the apparatus of

Nose et al., a transfer element with a radius of 0.3 mm to 1.5 mm as taught by Murakoshi, in order to improve film transfer conditions, as taught in column 3 lines 8-23 of Murakoshi.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nose et al. (US 5,685,944) in view of Voeltner et al. (US 5,632,203). As outlined in the above rejection to claim 11, Nose et al. teaches all the claimed subject matter, except for the roller shaft having two ends wherein the shaft is thinner towards the ends than between the ends. Voeltner et al. teaches a roller arrangement similar to that of Nose et al., having a roller 10 and a main shaft 12 for mounting the roller. (See Figure 1.) As outlined in column 2 lines 13-28, Voeltner et al. teaches the shaft having a reduced diameter at its ends, (which is all claim 14 requires). To one of ordinary skill in the art, it would have been obvious to include a shaft as taught by Voeltner et al., in the apparatus of Nose et al., in order facilitate clamping to the frame, as taught by Voeltner et al. in column 2 line 19.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nose et al. (US 5,685,944) in view of Dilling et al. (US 5,845,574). As outlined in the above rejection to claims 11 and 15, Nose et al. teaches all the claimed structure, except it is not known if the roller of Nose et al. includes a tube that is heat shrinkable. Dilling et al. teaches a roller similar Nose et al. Column 4 lines 28-32 of Dilling teach that the tube covering for the roller is heat shrinkable. To one of ordinary skill in the art, it would have been obvious to use a tube of material as taught by Dilling et al. in order to facilitate a tight fit on the roller.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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